

(a) The taking of impressions or casts of the human mouth or teeth by a person not licensed under such laws to practice dentistry;

(b) The construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under such laws to practice dentistry; or

(c) The construction or supply of dentures from impressions or casts made by a person not licensed under such laws to practice dentistry,

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (62 Stat. 786; 18 U. S. C. 1821)

## Part 37—Free Matter in the Mails

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AUTHORITY: §§ 37.1 to 37.26 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

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### MATTER TO BE FRANKED

§ 37.1 *Congressional documents.* The Vice President of the United States, and Senators, Representatives, Delegates, and Resident Commissioners in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail all public documents printed by order of Congress; and the name of the Vice President, Senator, Representative, Delegate, Resident Commissioner, Secretary of the Senate, and Clerk of the House shall be written thereon [except as provided in sec. 162 of Title 44, U. S. C.], with the proper designation of the office he holds; and the provisions of this section shall apply to each of the persons named herein until the 30th day of June following the expiration of their respective terms of office. (Sec. 85, 28 Stat. 622, as amended; 39 U. S. C. 326)

§ 37.2 *Congressional Record.* The Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a Member of Congress, or Delegate, or Resident Commissioner from Puerto Rico \* \* \*, written by himself except as provided in section 185 of Title 44, be carried in the mail free of postage, under such regulations as the Postmaster General may prescribe. (Sec. 5, 18 Stat. 343, as amended; 39 U. S. C. 325)

§ 37.3 *Seeds and agricultural reports.* Seeds transmitted by the Secretary of Agriculture, or by any Member of Congress or Delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-Members of Congress and ex-Delegates for the period of nine months after the expiration of their terms as

Members and Delegates. (Sec. 7, 18 Stat. 343, as amended; 39 U. S. C. 329)

§ 37.4 *Official correspondence of Members of Congress*—(a) *Free under frank*. The Vice President, Members and Members-elect of, Delegates and Delegates-elect to Congress, and the Resident Commissioner from Puerto Rico \* \* \*, shall have the privilege of sending free through the mails, and under their frank, any mail matter to any Government official or to any person, correspondence, not exceeding four ounces in weight, upon official or departmental business [until the first day of December following the expiration of their respective terms of office]. Sec. 7, 33 Stat. 441, as amended; 39 U. S. C. 327)

(b) *Letters over 4 ounces*—(1) *To Government officials*. Letters which exceed 4 ounces in weight to be entitled to free transmission shall in every case be addressed, upon official business, to a Government official, whose title shall be given in the superscription of the letter, either with or without his name. The term "any Government official" shall include only officers of the United States, Senators, Members, and Delegates in Congress.

(2) *To other than Government officials*. When letters to other than Government officials, weighing over 4 ounces, are mailed without postage thereon, they shall be held for postage and treated in accordance with the provisions of § 42.16 of this chapter.

(c) *Name of person franking to appear on envelope*. The name of the Senator, Representative, or Delegate, written or impressed, shall appear on the envelope of the letter, in connection with the initials of his office, and be preceded by the word "Free."

(d) *Forgery or misuse of frank*. When any person is suspected of being guilty or known to be guilty of forging or misusing the frank of any Senator, Representative, or Delegate, the fact shall be promptly reported to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail. No letter bearing the frank of the Vice President, Member, Member-elect, Delegate, or Delegate-elect shall be detained on the mere suspicion that the frank is forged or misused.

NOTE: This section does not affect §§ 37.1 and 37.2, relating to the franking of public documents, the Congressional Record, and seeds.

§ 37.5 *Franking privilege to widows of former Presidents*. All mail matter sent by the post by Edith Bolling Wilson, widow of the late Woodrow Wilson, under her written autograph signature or facsimile thereof; and by Grace G. Coolidge, widow of the late Calvin Coolidge, under her written autograph signature or facsimile thereof, and by Anna Eleanor Roosevelt, widow of the late Franklin Delano Roosevelt, under her written autograph signature or facsimile thereof, will be conveyed free of postage during the natural life of each, respectively. (43 Stat. 1359, 48 Stat. 1395, 59 Stat. 707)

§ 37.6 *Use of franking privilege*—(a) *Regulations*. No matter shall be admitted to the mails under an authorized frank unless admissible as ordinary mail matter.

(b) *Inscription*. To entitle matter to free carriage it shall bear the word "Free" and the signature, either written or printed facsimile, of the person entitled to frank it, together with his official designation, if any, on the address side of the package.

(c) *Forwarding of franked matter*. All franked matter shall be forwarded like any other, but when once delivered to the addressee may not be remailed unless properly franked again. A bulk package of franked articles may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may, on behalf of such person, place addresses on the franked articles and remail them for carriage and delivery to the respective addresses.

NOTE: This section relates to matter entitled to free carriage under §§ 37.1 and 37.2; see § 114.1 of this chapter as to franked matter in foreign mails.

§ 37.7 *Lending of frank prohibited*. It shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This provision shall not apply to any committee composed of Members of Congress. (34 Stat. 477; 39 U. S. C. 335)

§ 37.8 *Free mailing privilege for Pan American diplomatic representatives*—

(a) *Authorization*. Under such regulations as the Postmaster General shall prescribe correspondence of the mem-

bers of the Diplomatic Corps of the countries of the Pan American Postal Union stationed in the United States may be reciprocally transmitted in the domestic mails free of postage, \* \* \*. The same privilege shall be accorded consuls of such countries stationed in the United States, and vice consuls when they are discharging the functions of such consuls, for the exchange of official correspondence among themselves, and for that which they direct to the Government of the United States. (45 Stat. 1177; 39 U. S. C. 336)

(b) *Correspondence which may be mailed free.* The matter that may be sent free of postage in the domestic mails under the provisions of this section shall embrace all correspondence of the members of the Diplomatic Corps of the Pan American countries and Spain; and it likewise shall embrace the official correspondence exchanged between the consulates of such of these countries as have put this provision into effect in their own countries, that which they address to the Government of the United States (see current Official Postal Guide for list of these countries), and that exchanged with their respective embassies and legations, whenever reciprocity exists. These provisions shall not apply to merchandise (fourth-class or parcel-post matter), or to articles other than written or printed correspondence within the usual meaning of that term. Such correspondence shall not exceed 4 pounds in weight. (See § 35.2 of this chapter)

(c) *Indicia*—(1) *Diplomatic Corps mail.* The envelopes, labels, etc., covering correspondence of the Diplomatic Corps mailed under the provisions of this section, shall show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, as the case may be, together with the post-office address, while in the upper right corner of the address side shall appear the inscription "Diplomatic mail" over the word "Free."

(2) *Consular mail.* The official correspondence of consulates mailed under the provisions of this section shall show over the words "Official correspondence" in the upper left corner of the address side the name and address of the consul or consulate, as the case may be, as well as the name of the country represented, while in the upper right corner of the

address side shall appear the inscription "Consular mail" over the word "Free."

#### OFFICIAL MATTER

§ 37.9 *Official or penalty envelopes*—(a) *Who may use; indorsement.* It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States; official mail matter of all officers of the United States Government, not including Members of Congress; all official mail matter of the Smithsonian Institution; all official mail matter of the Pan American Union [and the Pan American Sanitary Bureau] \* \* \*; the envelopes of such matter in all cases to bear appropriate indorsement containing the proper designation of the office from which, or officer from whom, the same is transmitted with the statement of the penalty for their misuse. Every such letter or package to entitle it to pass free, shall bear over the words "Official business" an indorsement showing also the name of the department, and if from a bureau, office, or officer, the names of the department and bureau, office, or officer, as the case may be, whence transmitted \* \* \* [with a statement of the penalty for their misuse.] (Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321)

(b) *Superintendent of Documents.* All official correspondence of the superintendent of documents \* \* \* shall be entitled to free transmission by mail \* \* \* [under the penalty clause]. (Sec. 65, 28 Stat. 611; 39 U. S. C. 323)

(c) *Congressional directory.* \* \* \* Official correspondence concerning the [Congressional] directory may be had in penalty envelopes under the direction of the Joint Committee [on Printing]. \* \* \* (Sec. 73, 28 Stat. 617, as amended; 44 U. S. C. 149)

(d) *Legislative counsel.* The legislative counsel shall have the same privilege of free transmission of official mail matter as other officers of the United States Government. (Sec. 1303 (c), (d), 40 Stat. 1141, as amended; 2 U. S. C. 277)

(e) *Return penalty envelopes.* \* \* \* Any department or office authorized to use the penalty envelopes may inclose them with return address to any person or persons from or through whom official information is desired, the same to be used only to cover such official information, and indorsements relating thereto.

\* \* \* (See § 37.17 (b).) Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321)

(f) *Restriction on use of penalty envelopes.* \* \* \* [The privilege of using penalty envelopes] shall not extend or apply to officers who receive a fixed allowance as compensation for their services, including expenses of postages. (Secs. 5 and 6, 19 Stat. 335, as amended; 39 U. S. C. 321)

(g) *Unauthorized use of official envelope.* Whoever makes use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than \$300. (62 Stat. 783; 18 U. S. C. 1719)

§ 37.10 *Restriction on message with public documents.* No report, document, or publication of any kind distributed by or from an executive department or bureau of the Government shall contain any notice that the same is sent with "the compliments" of an officer of the Government, or with any special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given. (Sec. 73, 28 Stat. 620; 44 U. S. C. 218)

§ 37.11 *Census mail matter.* All mail matter, of whatever class, \* \* \* relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, \* \* \* and so marked: *Provided*, That if any person shall make use of such endorsement to avoid the payment of postage \* \* \* on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction. (Sec. 14, 46 Stat. 25; 39 U. S. C. 337)

§ 37.12 *Immigration and Naturalization Service.* (a) All mail matter of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the [Immigration and Naturalization] Service by clerks of [State or Federal] courts addressed to the Department of Justice or the [Immigration and Naturalization Service], or any official thereof, and endorsed "Official Business," shall be transmitted free of postage \* \* \* and so

marked. (Sec. 343, 54 Stat. 1163; 8 U. S. C. 743)

(b) If any person shall use the endorsement "Official Business" authorized by \* \* \* [above paragraph] to avoid payment of postage \* \* \* on a private letter, package, or other matter in the mail, such person shall be guilty of a misdemeanor and subject to a fine of \$300, to be prosecuted in any court of competent jurisdiction. (Sec. 346, 54 Stat. 1167; 8 U. S. C. 746)

§ 37.13 *Selective Service.* Correspondence necessary in the execution of this [Selective Service] Act may be carried in official penalty envelopes. (Sec. 10 (c), 54 Stat. 893, as amended; 50 U. S. C. 310 (c))

§ 37.14 *Four-pound limit on official penalty packages*—(a) *Statute.* No article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment, exceeding four pounds in weight shall be admitted to the mails under the penalty privilege, except (1) stamped paper and supplies sold or used by the postal service; and (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege. (Sec. 303, 62 Stat. 1048, 39 U. S. C. 321k)

(b) *Exceptions.* Official matter not within the provisions of paragraph (a) of this section which is over four pounds in weight, if otherwise mailable, whether sealed or unsealed, including written matter, shall, if such matter does not exceed the limit of weight or size prescribed for fourth-class matter, be accepted for mailing upon the payment of postage at fourth-class rates. (Sec. 304, 62 Stat. 1048; 39 U. S. C. 321l)

(c) *Transportation by most economical means.* Shipments of official matter shall be sent by the most economical means of transportation practicable, and the Postmaster General may refuse to accept any such matter for shipment by mail when in his judgment it is in the public interest that it be forwarded by other means at less expense. (Sec. 304, 62 Stat. 1048; 39 U. S. C. 321l)

§ 37.15 *Restrictions on character of penalty mail.* No article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails

under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. (34 Stat. 477; 39 U. S. C. 333)

§ 37.16 *Mailing by Government departments under penalty privilege; quarterly certifications thereof to Postmaster General*—(a) *Provisions of law.* No executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States, mail concerning the sale of Government securities, and all forms and blanks and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject. The head of each independent establishment and executive department (other than the Post Office Department) shall certify to the Postmaster General at the end of each quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Public Documents, or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by 16 U. S. C. 825k: *Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, or

to Federal, State, or other public authorities. (Sec. 306, 62 Stat. 1049; 39 U. S. C. 321n)

(b) *Form of certifications.* The quarterly certifications required by paragraph (a) of this section shall, for the purpose of uniformity, be submitted in such form as the Postmaster General may prescribe and shall cover all matter mailed free of postage at Washington, D. C., by the executive departments and independent establishments of the Government and also all matter so mailed by their branches and officials at other post offices.

§ 37.17 *Use of penalty envelopes and labels*—(a) *Restrictions.* Correspondence of persons not officers writing to the executive departments or to officers of the United States concerning the business of the writers with the Government shall not be accepted for mailing free in penalty envelopes. Officers authorized to use such envelopes shall not furnish them for use to bidders, or to contractors with the Government, or to enable private persons or concerns to send free reports, etc., which they are required by law to make.

(b) *Return penalty envelopes.* Officers desiring official information from or through persons not officers may furnish penalty envelopes or labels to cover the same only with return address printed or written thereon. Where the information is to be forwarded periodically or on more than one occasion the envelopes or labels bearing printed return address may be furnished in quantities for the transmission of such information.

(c) *Officer not entitled to use of after resignation.* The right of an officer of the United States to use the penalty envelope shall cease immediately upon his going out of office; and he shall not be permitted to use such envelopes in transmitting papers connected with the settlement of his accounts or other business pertaining to the office he has vacated, except as he may receive them with requests for official information, with return address thereon, from a department or officer of the Government.

(d) *Penalty matter not to be stopped on suspicion.* Postmasters shall not stop census matter or any mail matter in an official penalty envelope or under a penalty label upon the mere suspicion that the penalty envelope, label, or census indorsement is being used to cover private

matter; but if they have good reason to believe that any person is using official envelopes or labels in violation of law, they shall promptly report the matter to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

#### REPORTS AND BULLETINS OF AGRICULTURAL COLLEGES AND EXPERIMENT STATIONS

##### § 37.18 *Reports of certain agricultural colleges*—(a) *When mailed free*.

\* \* \* An annual report by the president of each of said [Government aided] colleges shall be made to the Secretary of Agriculture, as well as to the Secretary of the Interior, regarding the condition and progress of each college, including statistical information \* \* \*, one copy of which shall be transmitted by mail free to all other colleges further endowed under \* \* \* [7 U. S. C. 322 to 328] (relating to agricultural and mechanical colleges). (Sec. 3, 26 Stat. 418; 7 U. S. C. 325)

(b) *How mailed*. Postmasters at offices where colleges are established under the provisions of the act of July 2, 1862 (7 U. S. C., ch. 13), shall receive from the officers thereof the reports referred to addressed, one copy each, to other such colleges and to the Secretary of the Interior and the Secretary of Agriculture, and affix to each a penalty label or official envelope of the post office, and forward them free.

##### § 37.19 *Agricultural extension work*—

(a) *Free mailing*. All correspondence, bulletins, and reports for the furtherance of the purposes of 7 U. S. C. 341 to 348 may be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General, from time to time, may prescribe, by such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General. (38 Stat. 438; 39 U. S. C. 330)

(b) *Character of work*. \* \* \* There may be inaugurated in connection with the college or colleges in each State receiving the benefits of the provisions of sections 7 U. S. C. 301 to 308, 321–328 agricultural extension work which shall be carried on in cooperation with the United States Department of Agriculture. \* \* \* Cooperative agricultural extension work shall consist of the giving of instruction and practical demonstra-

tions in agriculture and home economics to persons not attending or resident in said colleges in the several communities, and imparting to such persons information on said subjects through field demonstrations, publications, and otherwise. \* \* \* (Secs. 1 and 2, 38 Stat. 372; 7 U. S. C. 341 and 342)

(c) *Authorization for postmaster to accept mailings*. Upon designation to the Postmaster General by the Secretary of Agriculture of a college officer or other person connected with the extension department of a State agricultural college receiving the benefits of the act of July 2, 1862 (7 U. S. C., ch. 13), and the acts supplementary thereto, by whom the correspondence, bulletins, and reports mentioned in paragraph (a) of this section are to be transmitted, the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, shall authorize the postmaster at the post office where the extension department of such college is located to accept from the officer or person so designated such correspondence, bulletins, and reports for free transmission in the mails.

(d) *Indicia*. In the upper left corner of the envelope or wrapper containing such correspondence, bulletins, or reports shall be printed over the words "Free—Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914," the name of the agricultural college and the name of the post office at which the matter is to be accepted free, followed by the name and title of the college officer or person designated to transmit such matter, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designated college officer or person shall not furnish such envelopes for use as return envelopes by individuals or concerns from whom replies are requested.

(e) *Restrictions*. Only such correspondence, bulletins, and reports as are for the furtherance of the purposes of the act of May 8, 1914, set forth in paragraph (b) of this section, and are mailed at the authorized post office by the college officer or other person duly designated may be transmitted free under the provisions of this section. All such correspondence, etc., to be entitled to free transmission, shall be conducted under the name of such designated college officer or person. Correspondence with autograph signature may be mailed

sealed, but all other matter shall be presented unsealed.

(f) *When in doubt as to mailability free.* When in doubt as to whether any particular matter presented for mailing under the provisions of this section is entitled to be transmitted free, the postmaster shall submit a sample to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, and pending decision may dispatch the matter if the sender makes a deposit to cover the postage at the proper rate. The deposit shall be refunded if the matter is held to be entitled to free transmission.

§ 37.20 *Bulletins and reports of certain agricultural experiment stations—*

(a) *Free mailing.* Bulletins or reports of progress published at agricultural experiment stations established under the provisions of the act of March 2, 1887, in connection with colleges endowed under provisions of the act of July 2, 1862, one copy of which shall be sent to each newspaper in the States or Territories in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General may from time to time prescribe. (Sec. 4, 24 Stat. 441; 7 U. S. C. 365)

(b) *Application for free mailing privilege.* An agricultural experiment station which claims the privilege of transmitting free through the mails, under the provisions of this section, bulletins, reports of progress, or annual reports, shall make application to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, through the postmaster at the office where such station is located, stating the date of the establishment of the station, its proper name or designation, its official organization, and the names of its officers, the name of the university, college, school, or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other granting it the benefits of the acts of Congress referred to in this section, and whether any other such station in the same State or Territory is considered, or claims to be, also entitled to the privilege; and also the place where such station is located and the name of the post office where the bulletins and reports will be mailed. The application

shall be signed by the officer in charge of the station.

(c) *Admission of.* If such privilege is allowed, the postmaster shall be instructed to admit such bulletins and reports to the mails free of postage.

(d) *Restrictions; manner of mailing.* Only bulletins or reports issued after an experiment station has become entitled to the privileges of this section may be transmitted free; and they may be inclosed in envelopes or wrappers, sealed or unsealed. On the exterior of every envelope, wrapper, or package and over the words "Free—Annual Report, or Bulletin or Report of Progress," shall be printed the name of the station and the name of the post office at which the matter is to be accepted free, followed by the name and title of the officer in charge of the station, and in the upper right corner the words "Penalty for private use to avoid payment of postage, \$300." The designation of the bulletin or report inclosed may be shown in lieu of the words "Annual Report, or Bulletin or Report of Progress" following the word "Free." There may also be written or printed upon the envelope or wrapper a request that the postmaster at the office of delivery notify the mailing station of the change of address of the addressee, or other reason for inability to deliver the same, and upon a bulk package a request to the postmaster to open and distribute the matter therein, in accordance with the addresses thereon.

(e) *Bulletins of Department of Agriculture mailed with station bulletins.* Bulletins published by the United States Department of Agriculture, and entitled to be mailed free under the penalty envelope of that department, may also be adopted and mailed by agricultural experiment stations, with such of their own publications as are entitled to free transmission in the mails, under the same regulations; and any bulletins or reports mailable free by any agricultural experiment station under this part may be so mailed by any other station entitled to such privilege.

(f) *Station reports containing extraneous matter.* If annual reports of an agricultural experiment station are printed by State authority, and consist in part of matter relating to the land-grant college to which such station is attached, then said report entire may be mailed free by the director of the station, provided, in his judgment, the whole con-

sists of useful information of an agricultural character. But the reports of State agricultural departments or boards may not be adopted by agricultural experiment stations in order to secure free circulation of such State reports.

(g) *To whom may be mailed.* The bulletins and reports of progress issued by agricultural experiment stations may be sent free only to the newspapers and persons stated in this section. The annual reports may be sent free to any address.

#### PUBLICATIONS FOR COPYRIGHT

§ 37.21 *Copyright matter*—(a) *Character.* Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under paragraph (b) of this section and 17 U. S. C. Sup. 14, where the work is later reproduced in copies for sale. (61 Stat. 652; 17 U. S. C. Sup. 12)

(b) *Mailing of copy to Copyright Office.* After copyright has been secured by publication of the work with the notice of copyright as provided in 17 U. S. C. Sup. 10, there shall be promptly deposited in the copyright office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in 17 U. S. C. Sup. 16; or

if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by paragraph (a) of this section, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with. (61 Stat. 652; 17 U. S. C. Sup. 13)

CROSS REFERENCE: Sec. 16 of Title 17 U. S. C. Sup. 16, prescribes that books and periodicals entitled to copyright, except works in raised characters for the use of the blind or books of foreign origin in a language or languages other than English, shall be produced within the limits of the United States in respect of the following features:

- (a) Setting of type.
- (b) Preparation of plates, including setting of type therefor.
- (c) Printing of text and illustrations, except where subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art.
- (d) Binding.

(c) *Affidavit to accompany copies.* In the case of the book the copies so deposited shall be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photoengraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photoengraving process or printing and binding were performed and the



date of the completion of the printing of the book or the date of publication. (61 Stat. 652; 17 U. S. C., Sup., 17)

(d) *Making false affidavit.* Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited. (61 Stat. 652; 17 U. S. C., Sup., 18)

NOTE: The "affidavit" above referred to should set forth that the text of the book deposited has been printed from type set or plates made in the United States, or produced by lithographic or photo-engraving process wholly performed therein; that the printing and binding were done therein; and also give the names of the places (establishments) where the printing and binding were performed, and the date of completion of publication of the book.

(e) *Postmaster to give receipt.* The postmaster to whom are delivered the articles deposited as provided in paragraphs (a) and (b) of this section shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (61 Stat. 652; 17 U. S. C., Sup., 15)

(f) *Dispatch under penalty label.* A postmaster to whom are delivered with a claim for registration of copyright copies of a lecture or similar production, a dramatic or musical composition, a photographic print of a photograph, a photograph or other identifying reproduction of a work of art or a plastic work or drawing, a book (accompanied with the affidavit prescribed by paragraph (c) of this section), or a periodical publication, shall dispatch the same under a penalty envelope or label of his office to the Register of Copyrights, Washington 25, D. C.; and, when requested, shall give a receipt therefor on a form furnished by the sender.

(g) *Copyright fee may accompany matter.* When persons presenting copyright matter for transmission free of postage to the Register of Copyrights, Washington 25, D. C., desire to have such matter and the fee for copyright registration mailed together, this may be done, provided the remittance for such fee is inclosed in an envelope addressed to the Register of Copyrights, Washington 25,

D. C., and postage is prepaid thereon at the letter rate, in which case the postmaster, after properly canceling the stamps affixed to the envelope containing such fee, shall inclose it in the penalty envelope in which the copyright matter is transmitted to the Register of Copyrights, or it may be inclosed in a penalty envelope attached as a label to the parcel containing the copyright matter.

(h) *Registry fee.* Matter for copyright shall not be dispatched by registered mail without the prepayment of the registry fee. When so dispatched, the sender is entitled to the usual registry receipt in addition to the receipt provided for in paragraph (e) of this section.

NOTE: No indemnity is payable for such mail unless both postage and registry fee are paid.

#### READING MATTER FOR THE BLIND

##### § 37.22 *Reading matter for the blind—*

(a) *Free mailing.* (1) Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed or in the form of sound-reproduction records for the use of the blind, in packages not exceeding the weight prescribed by the Postmaster General, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331)

(2) The weight of parcels acceptable free of postage under the preceding paragraph shall not exceed 15 pounds.

(b) *Limitations and requirements.* (1) Reading matter in raised characters, or in the form of sound-reproduction records for the use of the blind, to be entitled to transmission in the mails free of postage, shall not contain any advertising matter, and shall in every case be sent by or returned to a public library or public institution for the blind.

(2) When mailed by a public library or public institution for the blind, the matter shall be sent as a loan to a blind reader. Such matter may be mailed for return to a public library or public institution for the blind only by a blind reader.

(c) *Wrapping.* The matter shall be wrapped so that it may be easily examined.

(d) *Superscription.* On the upper-left corner of the envelope or wrapper containing the matter the name and address of the sender shall appear, and on the upper-right corner the word "Free" over the words "Reading Matter for the Blind," or "Sound-Reproduction Records for the Blind."

NOTE: Letters written in point print or raised characters or on sound-reproduction records used by the blind are not included in the reading matter entitled, under the provisions of this section, to free transmission in the mails.

§ 37.23 *Periodicals for the blind without subscription charge*—(a) *Free mailing.* \* \* \* Magazines, periodicals, and other regularly issued publications in such raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331)

(b) *Mailed by publisher.* Before a publication may be mailed free of postage, under the provisions of the above paragraph, it shall be entered as free matter at the post office at which the publisher desires to mail it. To obtain such entry the publisher shall file with the local postmaster a written application therefor, accompanied with a copy of the publication. The application shall show: (1) The name of the publication; (2) the periods of its issue; (3) whether it contains advertisements; (4) whether a subscription fee is charged. Upon receipt of such application the postmaster shall forward it, together with a copy of the publication, to the Third Assistant Postmaster General, Division of Newspaper and Periodical Mail. Pending consideration of the application by the Department, the postmaster shall accept the publication for mailing under a deposit of money to cover the postage at the rate which otherwise would be chargeable. If the publication is admitted as free matter, the deposit shall be returned to the publisher; otherwise it shall be converted into ordinary postage stamps and sent to the Third Assistant Postmaster General, Division of Newspa-

per and Periodical Mail, in the manner prescribed by § 34.30 of this chapter.

(c) *Indicia.* On the first page of a publication entered as free matter shall be printed, in ordinary type, the following: (1) Name of publication; (2) place where published; (3) date of issue; (4) frequency of issue; (5) the words "Entered at the post office at ----- under section 37.23, P. L. and R., as free matter for use of the blind." In the case of a publication on sound-reproduction records, such indicia may be printed on labels and affixed to the records.

§ 37.24 *Volumes of Holy Scriptures for the blind*—(a) *Postage rate.* \* \* \* Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (1) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (2) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331)

(b) *Application.* When any organization, institution, or association not conducted for private profit desires to mail volumes of the Holy Scriptures (the Bible), or any part thereof, to blind persons under the conditions mentioned in this section, a written application for such privilege accompanied with satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the volumes when mailed free of postage will be sent without charge to a blind person or when mailed at the rate of postage of 1 cent for each pound or fraction of a pound will be furnished to a blind person at a price not exceeding the cost of the volumes, shall be submitted through the postmaster at the office where it is desired to mail the matter, to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

(c) *Wrapping and indorsement.* Volumes of the Holy Scriptures or parts thereof to be mailed free of postage or at the postage rate of 1 cent a pound to a blind person by an organization, institution, or association under the provisions of this section shall be properly wrapped in such manner that the matter can be easily examined, and shall bear in the upper left corner of the address side of the envelope, wrapper, or address label, the name and address of the sender over the words "Holy Scriptures for the Blind, act of June 7, 1924; sec. 37.24, Postal Laws and Regulations," and in the upper right corner the word "Free," when the volumes are furnished without charge. If the volumes are being furnished to a blind person at a price not exceeding the cost thereof, stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound shall be affixed to the upper right corner of the address side of the envelope, wrapper, or address label.

(d) *Not to be accepted until authorized.* Postmasters shall not accept any matter for mailing free or at the rate of 1 cent a pound under the provisions of this section until authorized so to do by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail.

§ 37.25 *Periodicals for the blind having subscription charge—*(a) *Postage rate.* Magazines, periodicals, and other regularly issued publications in raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements, when furnished by an organization, institution, or association not conducted for private profit, to a blind person, at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe. (50 Stat. 66; 39 U. S. C. 293c)

(b) *Application.* Any organization, institution, or association desiring to mail a publication to blind persons at the rate of 1 cent a pound under the conditions mentioned in this section shall submit, through the postmaster at the office where it is desired to mail the matter, to the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, a written application for

such privilege accompanied with satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the copies of the publication will be furnished to a blind person at a price not exceeding the cost price thereof.

(c) *Preparation for mailing.* Matter to be mailed under the provisions of this section shall be properly wrapped in such manner that it can be easily examined and shall bear the words "Periodicals for the blind, act of April 15, 1937," below the name and address of the sender which must appear in the upper left corner of the address side of the envelope, wrapper, or address label, the postage stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound to be placed in the upper right corner.

§ 37.26 *Reproducers and sound-reproduction records for the blind—*(a) *Postage rate.* Reproducers for sound-reproduction records for the blind or parts thereof which are the property of the United States Government, when shipped for repair purposes by an organization, institution, public library, or association for the blind not conducted for private profit, or by a blind person to an agency not conducted for private profit, or from such an agency to an organization, institution, public library, or association for the blind not conducted for private profit, or to a blind person, may be transmitted through the mails at the rate of 1 cent per pound or fraction thereof; under such regulations as the Postmaster General may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331)

(b) *Authority to extend privilege.* The Postmaster General may in his discretion extend this rate of 1 cent per pound or fraction thereof to reproducers for sound-reproduction records for the blind, or parts thereof, and, when mailed to be repaired or being returned after repair, to Braille writers and other appliances for the blind, or parts thereof, which are the property of State governments or subdivisions thereof, or of public libraries, or of private agencies for the blind not conducted for private profit, or of blind individuals, under such regulations as he may prescribe. (33 Stat. 313, as amended; 39 U. S. C. 331)

(c) *Evidence required.* Organizations, institutions, libraries, or other agencies desiring to send or receive reproducers for sound-reproduction records or parts

thereof, and Braille writers and other appliances for the blind, or parts thereof, at the rate prescribed in paragraph (a) of this section shall furnish satisfactory evidence that they are not conducted for private profit.

(d) *Preparation for mailing.* Parcels, not exceeding the limit of weight prescribed for fourth-class matter, containing reproducers or parts thereof, and Braille writers and other appliances for the blind, or parts thereof, to be acceptable for mailing under this section must be sent for repair purposes only or re-

turned after repair, shall be securely packed or wrapped, and shall bear the words:

Appliance for the Blind  
Sent for Repair  
Act of October 14, 1941

below the name and address of the sender which must appear in the upper left corner of the address side of the envelope, wrapper, or address label, the postage stamps to cover postage at the rate of 1 cent for each pound or fraction of a pound to be placed in the upper right corner.

## SUBCHAPTER E—TREATMENT OF MAIL MATTER IN POST OFFICES: LOSS OR IMPROPER TREATMENT: UNDELIVERABLE MAIL MATTER

### Part 41—The Privacy and Safeguarding of the Mails

- Sec.  
41.1 Privacy of matter under seal.  
41.2 Examination of unsealed matter.  
41.3 Employees forbidden to place mail in clothing.  
41.4 Giving information about mail matter.  
41.5 Acknowledgment by postmasters of letters of inquiry.  
41.6 Furnishing of information about number of routes and boxes.  
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41.8 Correction of mailing lists.  
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41.11 Deposition of postmaster.  
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41.13 Access to mails.  
41.14 Examination of waste paper.  
41.15 Mail received unsealed or in bad order.  
41.16 Service to and from infected places.

**AUTHORITY:** §§ 41.1 to 41.16 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369.

**SOURCE:** §§ 41.1 to 41.16 appear at 13 F. R. 8929.

§ 41.1 *Privacy of matter under seal—*  
(a) *Inviolability of.* No person in the postal service, except those employed for that purpose in dead letter branches, shall break, or permit to be broken, the seal of any letter or other matter while in the custody of the Postal Service. Neither postmasters, inspectors, employees of the Post Office Department, nor officers of the law, without legal warrant therefor, have authority to open

under any pretext a sealed letter while in the mails, not even though it may contain improper or criminal matter, or furnish evidence for the conviction of offenders.

(b) *Seal not to be broken.* The seal of letters or packages suspected to contain unmailable matter shall not be broken to ascertain that fact.

§ 41.2 *Examination of unsealed matter.* Postal cards, post cards, and circulars unsealed and all other unsealed matter may, when suspected to contain unmailable matter, be examined for the purpose of ascertaining their character.

§ 41.3 *Employees forbidden to place mail in clothing.* No person employed in the postal service shall place or carry in his pockets or other part of his clothing any mail which is in the custody of the postal service.

§ 41.4 *Giving information about mail matter—*(a) *Restriction.* Postmasters and others in the postal service shall not give to unauthorized persons information concerning mail matter. They shall furnish such information to post-office inspectors and may furnish it also to the sender, the addressee, or the authorized representative of either, when satisfactory identification had been established and the request is limited to information proper for the applicant to receive. Postmasters may give to officers of the law, upon proper identification, to aid in the apprehension of fugitives from justice, information regarding the addresses, return cards, or postmarks on mail matter, but shall not withhold such mail from the addressees or delay its delivery. If